IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3756 OF 2005
IN
CRIMINAL APPLICATION NO. 1094 OF 2005

Shashikant K. Gandhi & Ors ...Applicants

Versus

Lubrizol India Ltd. & Anr ...Respondents

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Mr. A.P. Mundargi with Mr. Prakash Naik, Advocate for Applicants

Mr. Nikesh Kabani i/b Mr. ashwin Ankar, Adv. for respondent No.1.

Mr. M.S. Mhambray, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 11TH AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the learned advocate for the respondent No.1 i.e. original complainant.

2. In the present application, the applicants are mainly praying for exemption from personal appearance in Criminal Case No. 3941/2002 which is pending before the learned Special Magistrate, Small causes 25th Court at Mumbai. It is seen that the applicants Nos. 4 and 5 are the ladies and they are over 65 years of age. The rest of the applicants except the

applicant Nos. 7 and 9 are over 70 years of age. All the applicants are residing at Baroda.

3. Looking to the all these facts, I am inclined to grant exemption from personal appearance to the applicants unless the learned Magistrate is of the opinion that the presence of the applicants is absolutely necessary. In such case, on notice being given to the applicants, the applicants shall remain present before the trial Court on the date indicated in the notice.

4. Application is disposed of.

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